REMARKS

Upon entry of the foregoing Amendment, claims 1-32 are pending in the application. Claims 1-27 have been amended. No claims have been cancelled. Claims 28-32 have been newly added. The Specification has been amended to address minor typographical errors. Applicants believe that this Amendment does not add new matter. In view of the foregoing Amendment and the following Remarks, allowance of all the pending claims is requested.

REJECTION UNDER 35 U.S.C. § 101

The Examiner has rejected claims 9-16 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Solely for purposes of expediting prosecution of this application, and without acknowledging the propriety of the alleged basis for the rejection, Applicants note that claims 9-16 have been amended as indicated above to further clarify various aspects of the invention.

In particular, claims 9-16 have been amended to recite a "computer-readable medium" that stores "computer-executable instructions," which may be "executed on a processor." For at least the reason that these features clearly relate to tangible hardware elements, the claims are directed to statutory subject matter. Applicants therefore request that the Examiner withdraw this rejection of the claims.

REJECTION UNDER 35 U.S.C. § 103

A. CLAIMS 1-6, 8-14, 16-22, AND 24-27

The Examiner has rejected claims 1-6, 8-14, 16-22, and 24-27 under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 6,349,306 to Malik et al. ("Malik") in view of U.S. Patent No. 6,061,724 to Ries et al. ("Ries") in view of U.S. Patent No. 5,995,916 to Nixon et al. ("Nixon"). This rejection is improper and must be withdrawn for at least the reason that the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of the claimed invention.

More particularly, the references relied upon, either alone or in combination, fail to disclose, teach, or suggest at least the combined features of "selecting one of the plurality of agent templates based on the class of the selected network device, the selected agent template comprising a hierarchy of object classes that defines possible combinations of characteristics for network devices in the class of the selected network device," and "instantiating an agent object from the object class of the agent template that corresponds to the characteristics of the selected network device, the instantiated agent object operable to monitor hardware characteristics of the selected network device," as recited in independent claim 1, for example.

Although the Examiner has acknowledged that Malik does "not explicitly teach" these features, the Examiner nonetheless alleges that Malik teaches "selecting one of the plurality of agent templates based on one or more of the characteristics of the network device" and "instantiating an agent object from the object class of the agent template." *See* Office Action, pages 3-4. Applicants disagree with the Examiner's assessment for at least the reason that Malik does not disclose, teach, or suggest "instantiating an agent object" to monitor a network device. For example, Malik generally relates to using "templates for generating configuration records of network devices of a selected model type" (Abstract). However, Malik does not disclose, teach, or suggest either of the templates or the configuration records being an "agent object" that can be "instantiated" to monitor network devices.

In particular, Malik expressly states that "a network management system . . . continually monitors the network and maintains a database of information about every managed device in the network" (col. 3, lines 10-13). The templates and configuration records described therein are not instantiated objects that monitor devices. Rather, the "template functions like a filter, blocking out unwanted attributes . . . and capturing the values of those attributes found in the template," whereby the "resulting configuration created with the template contains the attributes from the template and the values collected from the model" (col. 3, lines 35-45). In fact, Malik specifically describes how Figure 3 "illustrates the difference between a template and a configuration," with each being a different type of "record" as opposed to an object (col. 3, lines 46-51).

Accordingly, for at least the foregoing reasons, the Examiner has incorrectly alleged that Malik teaches "selecting one of the plurality of agent templates based on one or more of the characteristics of the network device" and "instantiating an agent object from the object class of the agent template." Ries and Nixon each fail to cure at least these deficiencies of Malik. Hence, the references relied upon, either alone or in combination with one another, fail to disclose, teach, or suggest at least the aforementioned features of the claimed invention. The rejection is therefore improper and must be withdrawn.

The Examiner further alleges that Ries discloses "the instantiated agent object operable to monitor hardware characteristics of the network device" and "templates comprising the hierarchy of object classes, wherein each object class corresponds to a possible combination of characteristics of the selected network device." Applicants disagree with the Examiner's assessment for at least the reason that Ries does not disclose, teach, or suggest "instantiating an agent object from the object class of the agent template that corresponds to the characteristics of the selected network device."

More particularly, Ries generally relates to "a modelling process for an information system," with "each element of said information system being represented by an Instance" (col. 2, line 62 – col. 3, line 4). Ries therefore describes organizing an object model for an information system using Instances to represent system elements, where "classes of objects of the information system, called Vistas, are defined, each Vista comprising Properties and/or Indicators, the instances of the information system belonging to one or several from said Vistas" (col. 3, lines 9-12). However, the Instance and Vista objects that Ries uses to model a system are distinct from the objects that Ries uses to actually monitor network devices.

For example, Ries indicates that the "data collection process is carried out under the control of a Collector object," which "is generally created by the system automatically" (col. 11, lines 50-56). As illustrated in Figure 3 of Ries, the Collector objects that monitor devices are distinct from the Vista objects that are used to hierarchically organize Instance objects. By contrast, independent claim 1 specifically recites "instantiating an agent object from the object class of the agent template that corresponds to the characteristics of the selected network device," where each agent template comprises "a hierarchical definition for a class of network

devices discovered in the enterprise network." In other words, the claimed invention relates to monitoring network devices using an agent object instantiated from within the hierarchy that organizes information relating to the network devices, whereas Ries uses a "Collector object" that is separate and distinct from the object model that organizes information relating to elements of an information system. Thus, Ries indicates that the Collector objects used to monitor Instances are generic objects that the system automatically creates, as opposed to objects instantiated from "a hierarchy of object classes that defines possible combinations of characteristics for the discovered network devices in the class of the selected network device."

Accordingly, for at least the foregoing reasons, the Examiner has incorrectly alleged that Ries teaches "selecting one of the plurality of agent templates based on one or more of the characteristics of the network device" and "instantiating an agent object from the object class of the agent template." Malik and Nixon each fail to cure at least these deficiencies of Ries. Hence, the references relied upon, either alone or in combination with one another, fail to disclose, teach, or suggest at least the aforementioned features of the claimed invention. The rejection is therefore improper and must be withdrawn.

Applicants further note that Nixon fails to cure at least the foregoing deficiencies of Malik and Ries. In particular, the Examiner merely relies on Nixon as allegedly teaching "the desirability and advantages of . . . utilizing object oriented approach [*sic*] to monitor network device [*sic*]." Office Action, page 4. Notwithstanding the Examiner's allegation, and without addressing the propriety of the allegation, Applicants note that the alleged teachings of Nixon, on their face, fail to address the foregoing deficiencies of Malik and Ries. Merely stating that an object-oriented approach to monitoring network devices is "desirable" or "advantageous" fails to disclose, teach, or suggest any specific approach for actually implementing a system or method for object-oriented monitoring of network devices.

Accordingly, for at least the foregoing reasons, Malik, Ries, and Nixon, either alone or in combination with one another, fail to disclose, teach, or suggest each and every feature of independent claim 1. The rejection is therefore improper and must be withdrawn.

Independent claims 9, 17, and 25 include features similar to those set forth in independent claim 1. Dependent claims 2-6, 8, 10-14, 16, 18-22, 24, and 26-27 depend from

and add features to one of independent claims 1, 9, and 17. Thus, the rejection of these claims is likewise improper and must be withdrawn for at least the same reasons.

B. CLAIMS 7, 15, AND 23

The Examiner has rejected claims 7, 15, and 23 under 35 U.S.C. § 103 as allegedly being unpatentable over Malik in view of Ries in view of Nixon and U.S. Patent No. 6,360,277 to Ruckley et al. ("Ruckley").[1] This rejection is improper and must be withdrawn for at least the reason that the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of the claimed invention.

More particularly, for at least the reasons discussed above, Malik, Ries, and Nixon, either alone or in combination, do not disclose, teach, or suggest at least the combined features of "selecting one of the plurality of agent templates based on the class of the selected network device, the selected agent template comprising a hierarchy of object classes that defines possible combinations of characteristics for network devices in the class of the selected network device," and "instantiating an agent object from the object class of the agent template that corresponds to the characteristics of the selected network device, the instantiated agent object operable to monitor hardware characteristics of the selected network device," as recited in independent claim 1, for example. Ruckley fails to cure at least the aforementioned deficiencies of the combination of Malik, Ries, and Nixon.

Accordingly, for at least the foregoing reasons, Malik, Ries, Nixon, and Ruckley, either alone or in combination with one another, fail to disclose, teach, or suggest each and every feature of independent claim 1. Independent claims 9 and 17 include features similar to those set forth in independent claim 1. Dependent claims 7, 15, and 23 depend from and add features to one of independent claims 1, 9, and 17. Thus, the rejection of these claims is improper and must be withdrawn for at least the foregoing reasons.

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[1] Applicants note that the Examiner appears to have mistakenly identified claims 1-6, 8-14, 16-22, and 24-27 in the heading preceding the discussion of claims 7, 15, and 23 on pages 8-9 of the Office Action. In view of this apparent typographical error, Applicants are treating the discussion on pages 8-9 of the Office Action as applying to claims 7, 15, and 23 rather than those claims identified in the heading.

NEW CLAIMS 28-32

As discussed in further detail above, Malik, Ries, Nixon, and Ruckley, either alone or in combination, do not disclose, teach, or suggest at least the combined features of "selecting one of the plurality of agent templates based on the class of the selected network device, the selected agent template comprising a hierarchy of object classes that defines possible combinations of characteristics for network devices in the class of the selected network device," and "instantiating an agent object from the object class of the agent template that corresponds to the characteristics of the selected network device, the instantiated agent object operable to monitor hardware characteristics of the selected network device," as recited in independent claim 1, for example.

Accordingly, for at least the foregoing reasons, Malik, Ries, Nixon, and Ruckley, either alone or in combination with one another, fail to disclose, teach, or suggest each and every feature of independent claim 1. Independent claims 9, 17, and 25 include features similar to those set forth in independent claim 1. Newly added claims 28-32 depend from and add features to one of independent claims 1, 9, 17, and 25. Thus, newly added claims 28-32 are allowable over the references relied upon for at least the same reasons as discussed above for their respective parent claims.

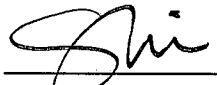
CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action. As such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: **December 29, 2008**

Respectfully submitted,

By: 

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